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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/510,140 | 05/23/2005 | Eric Muller | GS 0606 B WO US | 4404 |
| 20676 | 7590 | 04/22/2008 | EXAMINER | |
| ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433 | | | | LOPEZ, FRANK D |
| ART UNIT | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|-----------------|---------------|
| Response to Rule 312 Communication | 10/510,140 | MULLER ET AL. |
| | Examiner | Art Unit |
| | F. Daniel Lopez | 3745 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. The amendment filed on 12 March 2008 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) disapproved. See explanation below.
- e) entered in part. See explanation below.

Applicant argues that claims 7-12 depended from claim 1, and so should be restored as allowed claims. The examiner disagrees with Applicant's conclusion. Claim 1 claims "the flow regulator includes a first valve having...a second surface that is acted upon by a back pressure in the return circuit" (last 3 lines), which reads on the embodiment of fig 2. Claim 7 claims "the flow regulator includes three shifting stages" (line 2), which reads on the embodiment of fig 5. There is no embodiment with a regulator which includes the above limitation of claim 1 and the above limitation of claim 7. Although claim 7 is supposed to depend from claim 1, it clearly can not, since it is not supported by the specification. And therefore the canceling of claims 7-12, as being directed to a non-elected species, is upheld.

/F. Daniel Lopez/
Primary Examiner
Art Unit: 3745